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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Rancho Seco Water System
P. O. Box 1909
Cantil, CA 93519

Attn: Cheri Dawn Martin, Secretary
Rancho Seco Water System

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1500327**

July 2015

C I T A T I O N N O. 03-19-15C-015

Issued on October 6, 2015

STATEMENT OF FACTS

Rancho Seco Water System (hereinafter Water System) is classified as a community Water System and serves a population of approximately 58 persons through 40 service connections. The Water System operates under the authority of Permit Number 03-12-96P-001, issued on January 23, 1996, by the California Department of Public Health, Division of Drinking Water and Environmental Management (now State Water Resources Control Board).

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with

1 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
2 or order issued or adopted thereunder.

3
4 The State Water Resources Control Board (hereinafter "State Board"), acting by and
5 through its Division of Drinking Water and the Deputy Director for the Division of
6 Drinking Water, hereby issues a citation to Rancho Seco Water System (mailing
7 address: P.O. Box 1909, Cantil, CA 93519) for violation of California Code of
8 Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

- 9
- 10 • The Water System collects one (1) routine distribution system bacteriological
11 sample per month.
 - 12 • One (1) routine bacteriological quality sample collected on July 15, 2015, from
13 the distribution system, tested positive for total coliform bacteria.
 - 14 • One (1) bacteriological quality sample, also collected on July 15, 2015, from
15 Well 01 (part of quarterly raw water sampling due to chlorination treatment),
16 tested negative for total coliform bacteria.
 - 17 • All three (3) repeat bacteriological quality samples collected on July 20, 2015,
18 from the distribution system, tested positive for total coliform bacteria.
 - 19 • **Rancho Seco Water System failed the total coliform maximum**
20 **contaminant level (MCL) for July 2015 [Section 64426.1(b)(2),**
21 **Authorities].**
 - 22 • One (1) bacteriological sample collected on July 20, 2015 from Well 01
23 (counted towards the Ground Water Rule's trigger source sampling
24 requirement), tested negative for total coliform bacteria.
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- 1 • On July 22, 2015, Dan Sackett of sKOO'kum h20 inc., Designated Operator
2 and contract sampler for the Water System, notified the State Board by email
3 that the Water System failed the total coliform MCL for July 2015.
- 4 • On August 5, 2015, following inspection, disinfection and flushing of the
5 distribution system and cleaning of the 30,000-gallon storage tank, five (5)
6 special bacteriological quality samples were collected from the distribution
7 system, and one (1) special sample was collected from the Water System's
8 30,000-gallon storage tank. All six (6) special samples tested negative for total
9 coliform bacteria.
- 10 • None of the total coliform positive samples collected in July 2015 tested
11 positive for *E. coli* bacteria.
- 12 • On August 21, 2015, a public notice and *Certification of Completion of Public*
13 *Notification* were emailed to the Water System for the July 2015 total coliform
14 MCL failure.
- 15 • On August 25, 2015, the State Board received signed and dated copies of the
16 Certification of Completion of Public Notification and the public notice.
17 According to these documents, public notification was completed on August
18 21, 2015.
- 19 • On August 21, 2015, an investigation report was emailed to the Water System,
20 for the July 2015 total coliform MCL failure.
- 21 • On September 28, 2015, the State Board received a completed copy of the
22 investigation report. The investigation report was completed by Mr. Ace
23 Miller ("President & Maintenance") from the Water System. According to the
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1 investigation report, a possible cause of the total coliform positive samples was
 2 NOT identified. In the future, the Water System's designated operator should
 3 complete the investigation report (required following a total coliform MCL
 4 violation).

- 5 • Five (5) routine bacteriological samples collected on August 26, 2015, from the
 6 distribution system, tested negative for total coliform bacteria.
- 7 • Results of all (source and distribution) bacteriological samples collected from
 8 January 2015 to August 2015 are summarized in **Attachment A**.

11 AUTHORITIES

12 **Section 116577 of the CHSC**, states in relevant part:

13 “(a) Each public water system shall reimburse the State Board for the actual costs incurred by the
 14 State Board for any of the following enforcement activities related to that water system:

- 14 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 15 (2) Preparing, and issuing public notification

16 ...

17 (b) The State Board shall submit an invoice for these enforcement costs to the public water system
 18 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
 19 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
 20 the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual
 21 costs to the State Board of the enforcement activities specified in this section.”...

22 **Section 116650 of the CHSC**, states in relevant part:

23 “(a) If the State Board determines that a public water system is in violation of this chapter or any
 24 regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue
 25 a citation to the public water system. The citation shall be served upon the public water system
 26 personally or by certified mail. Service shall be deemed effective as of the date of personal service
 27 or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept
 delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations,
 including a reference to the statutory provision, standard, order, citation, permit, or regulation
 alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the
 violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000)
 per day for each day that a violation occurred, and for each day that a violation continues to occur. A
 separate penalty may be assessed for each violation.”

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

1 (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any
2 month in which it supplies water to the public, the water supplier shall notify the State Board by the end
3 of the business day on which this is determined, unless the determination occurs after the State Board
4 office is closed, in which case the supplier shall notify the State Board within 24 hours of the
5 determination. The water supplier shall also notify the consumers served by the water system. A Tier 2
6 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A
7 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section
8 64463.1."

9 DETERMINATIONS

10 Based upon the above *Statement of Facts and Authorities*, the State Board has
11 determined that the Rancho Seco Water System has violated the following:

- 12
- 13 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated
14 the total coliform MCL for July 2015, when more than one sample collected in
15 July 2015, tested positive for total coliform bacteria.

16 The above violation is classified as a non-continuing violation.

17 DIRECTIVES

18 Rancho Seco Water System is hereby directed to take the following actions:

- 19
- 20 1. Cease and desist from failing to comply with Section 116555(a) of the
21 California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title
22 22, California Code of Regulations.
 - 23 2. In the future, the Water System's designated licensed operator shall complete
24 the investigation report, required following a total coliform MCL violation.
 - 25 3. The Water System shall reimburse the State Board, in accordance with an
26 invoice that shall be provided to the Water System, the costs for enforcement
27 activities, and such reimbursement shall be made prior to September 1 (or by a
different date if specified by the State Board) of the fiscal year following the

1 fiscal year in which such costs are incurred as described in CHSC Sections
2 116577(a)(1-2) and 116577(b).

3
4 **FURTHER ENFORCEMENT ACTIONS**

5 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State
6 Board to: issue additional citations with assessment of penalties if a public water
7 system continues to fail or correct a violation identified in a citation; take action to
8 suspend or revoke a permit that has been issued to a public water system if the system
9 has violated applicable law or regulations or has failed to comply with orders of the
10 State Board; and petition the superior court to take various enforcement measures
11 against a public water system that has failed to comply with orders of the State Board.
12 The State Board does not waive any further enforcement action by issuance of this
13 citation.

14
15 **PARTIES BOUND**

16 This citation shall apply to and be binding upon Rancho Seco Water System, its
17 officers, directors, agents, employees, contractors, successors, and assignees.

18
19 **SEVERABILITY**

20 The directives of this citation are severable, and Rancho Seco Water System shall
21 comply with each and every provision thereof, notwithstanding the effectiveness of
22 any other provision.

23
24 **CIVIL PENALTIES**

25 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
26 civil penalty for failure to comply with the requirements of the Safe Drinking Water
27 Act. Failure to comply with any provision of this Citation may result in the State

Board imposing an administrative penalty in an amount not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

Oct. 6, 2015

Date

Jaswinder S. Dhaliwal

Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

Drinking Water Field Operations Branch

Certified Mail No. 7012 2210 0000 8221 6958

ATTACHMENT

Attachment A: Summary of bacteriological samples collected from January 2015 – August 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Dan Sackett, Designated Operator, skOO'kum h2o monitoring, inc. (via e-mail)

JSD/dc

Attachment A

Rancho Seco Inc. Water System

1500327

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/6/2015	8:47	1ROU	A	A		Routine	0.23		
2/2/2015	9:32	2ROU	A	A		Routine	0.70		
3/23/2015	9:57	3ROU	A	A		Routine	0.29		
4/21/2015	13:58	1ROU	A	A		Routine			
5/6/2015	9:15	2ROU	A	A		Routine	0.85		
6/22/2015	12:07	3ROU	A	A		Routine	1.82		
7/15/2015	9:15	2ROU	P	A		Routine	0.32		
7/20/2015	9:40	2REP2	P	A		Repeat	0.21		
7/20/2015	9:46	2REP3	P	A		Repeat	0.24		
7/20/2015	10:00	2REP1	P	A		Repeat	0.24	MCL	Citation 03-19-15C-015 Issued on 10/6/2015
8/5/2015	9:23	31601 Neutalla	A	A		Special	1.2		
8/5/2015	9:28	2ROU	A	A		Special	1.43		
8/5/2015	9:39	7533 Chapinite	A	A		Special	1.74		
8/5/2015	9:42	7890 Munsey	A	A		Special	1.23		
8/5/2015	9:53	7923 Cinibar	A	A		Special	1.18		
8/5/2015	9:58	Storage Tank	A	A		Special	1.93		
8/26/2015	9:25	1ROU	A	A		Routine	0.18		
8/26/2015	9:32	2ROU	A	A		Routine	0.23		
8/26/2015	9:40	3ROU	A	A		Routine	0.19		
8/26/2015	9:49	4ROU	A	A		Routine	0.20		
8/26/2015	9:58	5ROU	A	A		Routine	0.69		

Rancho Seco Inc. Water System

1500327

Source Monitoring Freq: Quarterly

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/6/2015	8:56	WELL #1	A	A			Quarterly Sample
4/21/2015	13:49	WELL #1	A	A			Quarterly Sample
7/15/2015	9:24	WELL #1	A	A			Quarterly Sample
7/20/2015	10:26	WELL #1	A	A			GWR Sample